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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

JUL 17 2007

Technology Center 2100

Application Number: 09/991,900
Filing Date: November 23, 2001
Appellant(s): GOKHALE ET AL.

Michael J. Smith
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on March 19, 2007 appealing from the Office action mailed on Jan. 20, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

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The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,764,972	Crouse et al.	Jun. 09, 1998
5,898,593	Baca et al.	Apr. 27, 1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crouse et al. (U.S. Patent No. 5,764,972) in view of Baca et al. (U.S. Patent No. 5,898,593).

As to claim 12, Crouse et al. [hereinafter referred as Crouse] discloses a system [Abstract, Fig. 2] for processing file input/output commands of one or more removable media from a storage device [e.g., see Fig. 9 and associated texts], the system comprising:

a) a user interface [e.g., the network file interface (34) running on user node (10), Fig. 2] for receiving input/output identification data including the data to identify one or more media [e.g., the media type, volume serial Name, location and access attributes at col. 14, line 47 – Col. 16, line 5] from the storage device for removing [e.g., col. 16, lines 50 – col. 17, line 12; col. 19, Removable Media Module processing section; the unload media processing (492, Fig. 16e)].

b) a data file stored in a memory device for storing the export identification data [e.g., the Removable Media Reserved File 194, Fig. 9; col. 19, lines 37-51] ;

c) a task control subsystem [e.g. the AFS Control Program (40), Fig. 2] for retrieving [e.g. via the Scan module 192, Fig. 9] the export identification data from the data file and controlling the library to cause the export of the selected media [e.g., Fig. 9 and associate texts specifically col. 20, lines 14-39].

Crouse did not specifically disclose at the second time, the file input/output commands including a scheduling of an exporting processing.

However, Baca et al. (herein after referred as Baca) discloses a data storage system to automatically scheduling an import and export I/O commands for removable devices at the second time [e.g., Title, Abstract, col. 7, lines 1-60].

Crouse and Baca are in the common field to process file input/output operations via a common interface, therefore, with the teachings of Crouse and Baca in front of him/her, an ordinary skilled person in the art at the time the invention was made would have been motivated to modify Crouse's user interface with the import and export commands as disclosed by Baca, because by doing so, the combined system will facilitate a system user to schedule the import or export operation with ease.

As to claims 13-14, except all the above, the combined system further discloses that the user interface is configured to allow a user to specify one or more media to be exported by one or more respective media identifiers/criteria [e.g., Crouse: col. 15, lines 3-49] and store the specified media identifier/criteria [e.g., Crouse: col. 19, lines 37-51].

As to claim 15, except all the above, the combined system further discloses that the task control subsystem comprises an evaluator [e.g., Crouse: the AR module 184, Fig. 9] to evaluate the stored criteria to determine which one or more media in the library satisfy the specified one or more criteria [Crouse: col. 22, lines 8-27].

As to claim 16, except all the above, the combined system further discloses that system having an export history data file which containing a field associated with each media indicating the status of the export of the media [e.g. Crouse: the Archive Status field of the table between col. 21- col. 22],

As to claim 17, the combined system further discloses that the user interface is configured to allow a user to specify a specific event following which the media is to be exported [e.g., if the system user specifies the life span for a remote file, once the life span is exhausted, the file is eligible for termination when the media space is needed [e.g., Crouse: Fig. 14d, col. 22, lines 55-64].

As to claims 1-11 and 18-20, these claims recited similar features as cited in claims 12-17, in form of method or computer readable medium, hence are rejected for the same reason.

(10) Response to Argument

Applicant's arguments filed on March 19, 2007 have been fully considered but they are not persuasive.

The Examiner disagrees with Appellant's piecemeal interpretation and arguments against the 35 U.S.C. § 103(a) rejections.

The Applicant's Invention:

A computer-implemented system and method are provided to export removable media in a storage device, according to a schedule.

Appellant's mainly argued that "Crouse does not disclose exporting media, instead focusing on automatically storing and accessing remote files stored across data networks. Baca discloses equipment in a data storage library that assists in selective import and export of portable data storage media. However, Baca does not disclose exporting media according to a schedule as claimed by appellant."

In reply to the above arguments 1), It appears as if the appellant is attacking the references in a piece meal fashion, instead of in combination, as intended by the Examiner and as shown above in the rejections under 35 USC § 103(a). Therefore, in response to appellant arguments against the references individually, the Office first points out that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Furthermore, as cited in the above paragraphs, the primary reference of Crouse specifically discloses a network archiving file system (i.e., afs) comprising: a user interface [e.g., the network file interface (34) running on user node (10), Fig. 2] for receiving input/output identification data including the data to identify one or more media [e.g., the media type, volume serial Name, location and access attributes at col. 15, line 56 – col. 16, line 5] of the storage device for automatic file migration / removing storage media at site-defined time intervals or by direct user's intervention in accordance with

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the migration/media removable attributes [e.g., col. 15, lines – col. 16, lines 22].

Crouse further discloses that his archiving file system (afs) system comprises: a task control subsystem [e.g. the AFS Control Program (40), Fig. 2] for retrieving [e.g. via the Scan module 192, Fig. 9] the export identification data from the data file and controlling the storage library to cause the export of the selected media [e.g., Fig. 9 and associate texts specifically col. 20, lines 14-39]. For example, he specifically disclosed a Removable Media module [e.g., the unit 182, Fig. 9] that provides the user program interface [e.g., the unit 22, Fig. 2] for accessing to remote files [e.g., the unit 42, Fig. 2] which are stored in a specific removable storage media [e.g., the unit 49, Fig. 9] in the network, thought the use of a control structure known as a Removable Media Reserved File [e.g., the unit 194, Fig. 9, col. 19, lines 24 – col. 20, lines 39]. Wherein, the Removable Media Reserved File is deemed to store the claimed export identification data. And the mount and unload commands to import or export the specific removable storage media [e.g., the unit 49, Fig. 9] is through the scheduling set by an Automatic Media Loader module (e.g., the unit 190, Fig. 9) which definitely read on the claimed exporting removable media utility.

Additionally, Baca also disclosed an selective export and import storage data processing system [e.g., Abstract] having an interface [e.g., the terminal 88, Fig. 4] to allows the library operator to control the library operations that including selectively loading (or importing) and unloading (or exporting) of removable media [e.g., Title, Abstract, col. 7, lines 1-60] via a optional job contents scheduling queue which corresponding to input command ordering export of selected media [e.g., col. 4, lines 64

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– col. 5, lines 2, col. 6, lines 62 – col. 7, line 9, col. 7, lines 22-27]. Wherein, the export ordering and the exporting media job scheduling are deemed to read on the claimed second time based removable media processing . Hence, one of ordinary skill in the art at the time the invention was made would in fact, contrary to applicant's arguments, looking to incorporate the selective import/export interface as taught by Baca into Crouse's system for the purpose to reveals more detail operations of the combined system that removes storage media by using the job scheduling corresponding to the input ordering commands for subsequently exporting removable storage media and execute these operations in a timely basis. Because Crouse and Baca are in the same endeavor to provide removable storage media loading/unloading operations via a common command user interface. Therefore, for the combination of these two systems, the examiner contends that there would be most definitely a reasonable expectation of success.

Moreover, the examiner points out that Appellants fail to clearly distinguish the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. The examiner concludes that the prior art read on the claimed features.

Based on the discussion above, it is believed that the rejections should be sustained.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

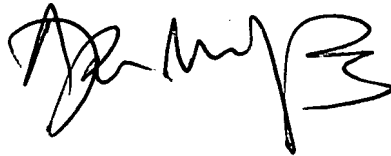
Respectfully submitted,

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Art Unit 2161

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